

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

LAVONTA AUSTIN,

Defendant.

Case No. MJ22-521 MLP

DETENTION ORDER

Mr. Austin is charged with one count of possession of a controlled substance with intent to distribute, 21 U.S.C. §§ 841(a)(1), (b)(1)(C); one count of possession of a firearm in furtherance of a drug trafficking crime, 18 U.S.C. § 924(c)(1)(A)(i); and one count of unlawful possession of a firearm, 18 U.S.C. § 922(g)(1). The Court held a detention hearing on November 10, 2022, pursuant to 18 U.S.C. § 3142(f), and based upon the reasons for detention stated on the record and as hereafter set forth, finds:

FINDINGS OF FACT AND STATEMENT OF REASONS FOR DETENTION

1. There is a rebuttable presumption of detention pursuant to 18 U.S.C. § 3142(e).
2. Mr. Austin poses a risk of nonappearance due to history of attempts to elude arrest, including allegations that he drove up on a sidewalk where pedestrians were

walking to avoid apprehension by law enforcement, prior and recent failures to appear, criminal activity and other noncompliance while under supervision, lack of ties to this district, lack of stable housing, unverified employment, and substance abuse.

3. Mr. Austin poses a risk of danger due to the nature of the instant offense, history of weapon use, a pattern of similar criminal activity, a history of violence, and substance abuse.

4. Based on these findings, and for the reasons stated on the record, there does not appear to be any condition or combination of conditions that will reasonably assure Mr. Austin's appearance at future court hearings while addressing the danger to other persons or the community.

5. Taken as a whole, the record does not effectively rebut the presumption that no condition or combination of conditions will reasonably assure the appearance of Mr. Austin as required and the safety of the community.

IT IS THEREFORE ORDERED:

(1) Mr. Austin shall be detained pending trial, and committed to the custody of the Attorney General for confinement in a correction facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal;

(2) Mr. Austin shall be afforded reasonable opportunity for private consultation with counsel;

(3) On order of a court of the United States or on request of an attorney for the government, the person in charge of the corrections facility in which Mr. Austin is

1 confined shall deliver him to a United States Marshal for the purpose of an
2 appearance in connection with a court proceeding; and

3 (4) The Clerk shall direct copies of this Order to counsel for the United States, to
4 counsel for Mr. Austin, to the United States Marshal, and to the United States
5 Pretrial Services Officer.

6 Dated this 10 day of November, 2022.

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9 MICHELLE L. PETERSON
10 United States Magistrate Judge
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